

REMARKS

On entry of this response, claims 1, 3-6, 9, 26, 34, 62, 72 and 73 have been amended, claims 2 and 58 canceled, and claims 74 and 75 added.

Applicants have amended claim 1 to incorporate the features recited in claim 2. Applicants have also amended claims 34 and 62 to recite like features. Claim 2 has been canceled. No new matter has been introduced.

Applicants have amended claims 9, 72 and 73 to recite that “the cradle makes communication with the server or the emergency server by using a part of tones generated as communication control codes and the rest of tones generated as data signals on a basis of dual tone multi-frequency (DTMF).” Support for the amendment can be found, for example, at page 28 of the instant application. No new matter has been introduced.

Now pending in the application are claims 1, 3-6, 9, 11, 18-23, 26, 30, 34-39, 43, 45, 46, 52-56, 59, and 62-75, of which claims 1, 34, 62 and 75 are independent.

Claim Rejection under 35 U.S.C. §112, Second Paragraph

Claim 26 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See the Office Action, page 2.

Applicants have amended claim 26 to depend from claim 13, as suggested by the Examiner.

For the reasons set forth above, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §112, second paragraph rejection of claim 26.

Rejection of Claims 1, 2, 4-6, 9, 11, 18-23, 26, 30, 62-64 and 69 under 35 U.S.C. §103(a)

Claims 1, 2, 4-6, 9, 11, 18-23, 26, 30, 62-64 and 69 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,336,900 (hereinafter “Alleckson”) in view of US 5,857,967 (hereinafter “Frid”). See the Office Action, page 3. Applicants respectfully traverse the rejection in view of the amended claims.

A. Claim 1

Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest “a cradle connected to the portable measurement unit so as to automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein, the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in amended claim 1.

The Examiner recognizes that Alleckson does not disclose “a cradle connected to the portable measurement.” See the Office Action, page 4. The Examiner, however, asserts that Frid discloses “a cradle connected to the portable measurement” at Column 1, Lines 16-21 and 33-40. See the Office Action, page 4.

At the portions identified by the Examiner, Frid describes that “[o]ther devices include devices for measuring heart rate, blood pressure, and devices for recording electrocardiogram data. Such devices are hereinafter referred to as healthcare devices,” and that “[s]uch healthcare devices include portable devices such as portable blood analyzers, etc.” See Frid, Column 1, Lines 16-22. Frid also describes that “[t]ypically, a healthcare worker accesses medical information from such a prior healthcare device by transporting the healthcare device to the special computer system, attaching the healthcare device to a docking station or standard mechanism such as an RS232 port of the special computer system, and then initiating a transfer from the healthcare device using specialized software executing on the computer system.” See Frid, Column 1, Lines 33-40.

Frid, however, does not teach or suggest “a cradle connected to the portable measurement unit so as to automatically transmit/receive the measurement information data

to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in amended claim 1. In Frid, the healthcare device is attached to a docking station or an RS232 port of a computer system so that a transfer from the healthcare device is initiated using software executing on the computer system. Frid does not teach or suggest that a cradle automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server *by means of a program stored therein*, as required by amended claim 1.

Furthermore, Frid does not teach or suggest “the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in amended claim 1. In Frid, the healthcare device is merely attached to the docking station or the RS232 port so that the healthcare device is connected to a computer system. The docking station and the RS232 port described in Frid do not communicate to the healthcare device to transmit/receive data to/from the healthcare device.

For at least the reasons set forth above, Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest all of the limitations of amended claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claim 1.

B. Claims 2, 4-6, 9, 11, 18-23, 26, 30, and 69

Claim 2 has been canceled. Therefore, the rejection of claim 2 is moot.

Claims 4-6, 9, 11, 18-23, 26, 30 and 69 depend from claim 1 and, as such, incorporate the features recited in claim 1. For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest all of the limitations of claims 4-6, 9, 11, 18-23, 26, 30 and 69.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claims 2, 4-6, 9, 11, 18-23, 26, 30 and 69.

C. Claim 62

Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle and then automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in amended claim 62.

As discussed above, Alleckson and Frid do not teach or suggest that a cradle automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein. Alleckson and Frid do not teach or suggest that the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle.

For at least the reasons set forth above, Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest all of the limitations of amended claim 62. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claim 62.

D. Claims 63 and 64

Claims 63 and 64 depend from claim 62 and, as such, incorporate the features recited in claim 62. For at least the reasons set forth above with respect to claim 62, Applicants respectfully submit that the combination of Alleckson and Frid does not teach or suggest all of the limitations of claims 63 and 64. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claims 63 and 64.

Rejection of Claims 3, 34-39, 45, 46, 52-56, 58, 59, 65-68, 70, 72 and 73 under 35 U.S.C. §103(a)

Claims 3, 34-39, 45, 46, 52-56, 58, 59, 65-68, 70, 72 and 73 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alleckson in view of Frid and further in view of US

5,704,366 (hereinafter “Tacklind”). See the Office Action, page 9. Applicants respectfully traverse the rejection in view of the amended claims.

A. Claim 3

Claim 3 depends from claim 1 and, as such, incorporates the features recited in amended claim 1. Applicants respectfully submit that the combination of Alleckson, Frid and Tacklind does not teach or suggest “a cradle connected to the portable measurement unit so as to automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein, the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in claim 3.

As discussed above, Alleckson and Frid do not teach or suggest the above features.

Tacklind is cited by the Examiner to provide teachings for the feature of an emergency server recited in claim 3. Tacklind describes a system for monitoring and reporting medical measurements. Tacklind, however, does not teach or suggest “a cradle connected to the portable measurement unit so as to automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in claim 3. Tacklind does not teach or suggest “the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in claim 3. There is no disclosure in Tacklind of a cradle that communicates to a portable measurement unit.

For at least the reasons set forth above, Applicants respectfully submit that the combination of Alleckson Frid, and Tacklind does not teach or suggest all of the limitations of claim 3. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claim 3.

B. Claim 34

Applicants respectfully submit that the combination of Alleckson, Frid and Tacklind does not teach or suggest that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle and then automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in amended claim 34.

As discussed above, Alleckson, Frid and Tacklind do not teach or suggest that a cradle automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein. Alleckson, Frid and Tacklind do not teach or suggest that the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle.

For at least the reasons set forth above, Applicants respectfully submit that the combination of Alleckson, Frid and Tacklind does not teach or suggest all of the limitations of amended claim 34. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claim 34.

C. Claims 35-39, 45, 46, 52-56, 58, 59, 70, 72 and 73

Claims 35-39, 45, 46, 52-56, 58, 59, 70, 72 and 73 depend from claim 34 and, as such, incorporate the features recited in claim 34. For at least the reasons set forth above with respect to claim 34, Applicants respectfully submit that the combination of Alleckson, Frid and Tacklind does not teach or suggest all of the limitations of claims 35-39, 45, 46, 52-56, 58, 59, 70, 72 and 73. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claims 35-39, 45, 46, 52-56, 58, 59, 70, 72 and 73.

D. Claims 65-68

Claims 65-67 depend from claim 3 and, as such, incorporate the features recited in claim 3. For at least the reasons set forth above with respect to claim 3, Applicants respectfully submit

that the combination of Alleckson, Frid and Tacklind does not teach or suggest all of the limitations of claims 65-67.

Claim 68 has been canceled. Therefore, the rejection of claim 68 is moot.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claims 65-68.

Rejection of Claims 43 and 71 under 35 U.S.C. §103(a)

Claims 43 and 71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alleckson in view of Frid and further in view of Tacklind, and further in view of US 6,471,087 (hereinafter “Shusterman”). Applicants respectfully traverse the rejection in view of the amended claims.

Claims 43 and 71 depend from claim 34 and, as such, incorporate the features recited in claim 34. Applicants respectfully submit that the combination of Alleckson, Frid, Tacklind and Shusterman does not teach or suggest that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle and then automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in claims 43 and 71.

As discussed above, Alleckson, Frid and Tacklind do not teach or suggest the above features.

Shusterman is cited by the Examiner to provide teachings for the feature added in claims 43 and 71. Shusterman describes a remote patient monitoring system including a garment and an automated medication dispenser. Shusterman, however, does not teach or suggest that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in claims 43 and 71. Shusterman does not teach or suggest that the cradle “then automatically transmits/receives the measurement information data

to/from the portable measurement unit and/or the server by means of a program stored therein,” as recited in claims 43 and 71. There is no disclosure in Shusterman of a cradle communicating to a portable measurement unit.

For at least the reasons set forth above, Applicants respectfully submit that the combination of Alleckson, Frid, Tacklind and Shusterman does not teach or suggest all of the limitations of claims 43 and 71. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the above 35 U.S.C. §103(a) rejection of claims 43 and 71.

New Claims

Claim 74 has been added to depend from claim 1. Claim 74 recites that the cradle includes a user interface part having at least one button. Support for the new claim can be found, for example, in Figure 4 of the instant application. No new matter has been introduced.

For at least the reasons set forth above with respect to claim 1, Applicants respectfully submit that claim 74 is in condition for allowance.

Claim 75 has been added to recite an on-line healthcare system including a portable measurement unit and a cradle connected to the portable measurement unit. Claim 75 also recites that “the cradle comprises a coupling guide to couple the portable measurement unit and a switch to confirm coupling of the cradle and the portable measurement unit,” and that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle.”

For at least the reasons set forth above with respect to claims 1, 34 and 62, Applicants respectfully submit that the cited references, either singly or in any reasonable combination, do not teach or suggest the feature that “the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle,” as recited in claim 75. Therefore, Applicants respectfully request that the Examiner pass claim 75 to allowance.

Conclusion

In light of the aforementioned arguments, Applicants submit that the cited art references fail to teach or suggest the features of the claimed invention. Therefore, all claims are believed allowable in view of the cited art. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicant's attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. VT7-005US. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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